

REMARKS

Applicant thanks the Examiner for acknowledging the claim for priority under 35 U.S.C. § 119, and receipt of a certified copy of the priority document submitted April 20, 2004.

Applicant thanks the Examiner for considering the references cited with the *Information Disclosure Statement* filed Apr 20, 2004 and Oct 15, 2004.

Status of the Application

Claims 1-20 are all the claims pending in the Application, as claims 18-20 are hereby added. Claims 1-6 and 8-12 stand rejected.

Various ones of the pending claims 1-17 are amended herein in an editorial, non-limiting manner. As these amendments are editorial in nature, no estoppel should apply.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 7 and 13-17 would be allowed if rewritten in independent form. However, Applicant respectfully requests that the Examiner hold in abeyance such rewriting until the Examiner has had an opportunity to reconsider (and withdraw) the prior art rejection of the other claims.

Claim Objections

The Examiner has objected to claims 1, 3, 5 and 6 due to alleged informalities. Regarding claims 1, 3 and 5, Applicant hereby editorially amends these claims to consistently recite "light irradiation units," as the Examiner has requested. As these amendments are editorial and non-limiting in nature, and are not for reasons of patentability, no estoppel should apply.

Regarding claim 6, Applicant respectfully submits that there is no inconsistency in terms therein, and that none of the terms cited by the Examiner with respect to claims 1, 3 and 5 (*i.e.*, “light irradiation unit,” “lighting units,” and “lighting unit”) are used in claim 6. In view of the above, Applicant respectfully requests withdrawal of this objection.

Claim Rejections

The Examiner has rejected: (1) claims 6 and 8-12 under 35 U.S.C. § 102(b) as being anticipated by *Dassanayake* (US 5,550,716; hereinafter “*Dassanayake*”); and (2) claims 1-5 under 35 U.S.C. § 103(a) as being unpatentable over *Dassanayake* in view of *Rodriguez Barros et al.* (US 6,926,432; hereinafter “*Barros*”). These rejections are respectfully traversed.

Independent Claim 6

The Examiner takes the position that *Dassanayake* discloses all of the features recited in independent claim 6. Applicant respectfully disagrees, and submits that *Dassanayake* fails to teach or suggest that “a center of the at least one first light emitting unit is shifted away from an optical axis of the at least one corresponding first projection lens.” Specifically, *Dassanayake* discloses that its light source (*e.g.*, light emitter) is “positioned substantially on the optical axis so that the light source is substantially at the center of the spherical inner surface” (see abstract and col. 1, lines 42-47). This arrangement is also specifically shown in FIG. 3.

Accordingly, Applicant respectfully submits that *Dassanayake* cannot reasonably be read as providing any arrangement other than a light emitter 24 having a center on the optical axis of lens 26.

Thus, Applicant respectfully submits that independent claim 6 is patentable over the applied reference. Further, Applicant respectfully submits that rejected dependent claims 8-12 are allowable, *at least* by virtue of their dependency.

Independent Claims 1 and 5

The Examiner takes the position that *Dassanayake* discloses many of the features recited in independent claims 1 and 5, but fails to teach or suggest a “semiconductor light emitting unit.” Applicant agrees that *Dassanayake* is deficient in this regard.

In an attempt to show that such a feature is obvious, the Examiner applies *Barros*, alleging: (1) that such a rectangular chip is disclosed therein by chip 34 (in FIGS. 29 and 32-G); and (2) that one of ordinary skill in the art at the time of the invention (“one of skill”) would have been modified to utilize the chip 34 of *Barros* in *Dassanayake* to optimize “light emission and produce a rectangular light distribution pattern, making clear contrast at the edges of the pattern by efficiently projecting useful light from an efficient light source.”

Applicant respectfully disagrees, and submits that one of skill in the art at the time of the invention would not have been motivated to modify *Dassanayake* with *Barros* as the Examiner has alleged. It has long been held that the Examiner must “show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for a combination in the manner claimed.” *In re Rouffet*, 47 USPQ2d 1453 (Fed.Cir. 1998). The mere fact that references can be “combined or modified does not render the resultant combination [or

modification] obvious unless the prior art also suggests the desirability of the combination [or modification].” *In re Mills*, 916 F.2d 680 (Fed.Cir. 1990); MPEP §2143.01.

Here, *Dassanayake* is directed to a headlamp, which utilizes fiber optic lines to provide the requisite large amount of light output (400 lumens) for the headlamp. In contrast, *Barros* is disclosed as being directed to a side marker lamp (FIG. 1) that provides complementary lighting for a vehicle, *i.e.*, lighting directed toward sides of the vehicle for parking, etc, such as is shown in FIG. 2 (patterns z1-z3). There is no teaching or suggestion that the chips 34 used in *Barros* to provide this complementary lighting would be at all appropriate for use in the headlight of *Dassanayake*, as there is no teaching or suggestion that these chips 34 would be at all capable of producing the necessary large light output (e.g., 400 lumens) required for use in *Dassanayake*’s headlight. In fact, none of the applied references teach or suggest that semiconductor light sources are appropriate for use in a headlamp.

Accordingly, Applicant respectfully submits that there would have been no motivation for one of skill to modify the references as the Examiner alleges.

Additionally, even if it were possible to modify *Dassanayake* with *Barros* as the Examiner has alleged, Applicant respectfully submits that the proffered combination fails to teach or suggest independent claim 1’s recitation of “a first light source formed by a first semiconductor light emitting unit having a first substantially rectangular light emitting chip and facing forward such that one side of the first light emitting chip extends in a horizontal direction.” Specifically, each of the light emitters 24 of *Dassanayake* are angled (by angle 29)

with respect to a horizontal direction. Thus, even if these light emitters were somehow to be replaced with the chips 34 of *Barros* as the Examiner alleges, the chips would still be arranged in an angled manner (by angle 29) with respect to a horizontal direction (as there is no teaching or suggestion in either reference that would lead one of skill to modify the specific configuration of *Dassanayake*).

Thus, Applicant respectfully submits that independent claims 1 and 5 are patentable over the applied references. Further, Applicant respectfully submits that rejected dependent claims 2-4 are allowable, *at least* by virtue of their dependency.

Thus, Applicants respectfully request that the Examiner withdraw these rejections.

New Claims

Claims 18-20 are hereby added. Claims 18-20 are fully supported *at least* by the Figures of the instant Application, and are respectfully submitted to be allowable both by virtue of their dependency, and by virtue of the features recited therein.

Conclusion

In view of the foregoing, it is respectfully submitted that claims 1-20 are allowable. Thus, it is respectfully submitted that the application now is in condition for allowance with all of the claims 1-20.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.111
U.S. Appl. No.: 10/827,340

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Please charge any fees which may be required to maintain the pendency of this application, except for the Issue Fee, to our Deposit Account No. 19-4880.

Respectfully submitted,



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